

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SAMANTHA RAJAPAKSE,

Plaintiff,

Case No. 17-cv-12970
Hon. Matthew F. Leitman

v.

CREDIT ACCEPTANCE CORP.,

Defendant.

**ORDER DENYING PLAINTIFF'S MOTIONS FOR SUMMARY
JUDGMENT (ECF ## 9, 12, 55, 86, and 115) WITHOUT PREJUDICE AND
PERMITTING PLAINTIFF TO RE-FILE THE SINGLE MOTION FOR
SUMMARY JUDGMENT ALLOWED UNDER THE LOCAL RULES**

This Court's Local Rules provide that a party "must obtain leave of court to file more than one summary judgment motion." L.R. 7.1(b)(2). Without seeking leave of court, Plaintiff Samantha Rajapakse, proceeding pro se, has filed five motions for summary judgment. (ECF## 9, 12, 55, 86, and 115.)

After Plaintiff filed her third motion for summary judgment (ECF #55), the assigned Magistrate Judge recognized that Plaintiff may have been attempting to withdraw at least one of her two earlier summary judgment motions, and the Magistrate Judge accordingly recommended that the Court require Plaintiff "to withdraw two of her motions for summary judgment or withdraw one and seek leave to file the additional motion that she seeks to have heard." (R & R, ECF #57 at Pg.

ID 507.) The Court thereafter entered an order which provided “that by no later than July 22, 2018, [Plaintiff] shall file a written notice with the Court withdrawing two of her three currently pending motions (ECF ## 9, 12, and 55). If [Plaintiff] fails to file such a notice with the Court by July 22, 2018, the Court will dismiss all three motions without prejudice.” (Order, ECF #65, Pg. ID 556.) Plaintiff failed to file the required notice.

Instead of filing the required notice, Plaintiff filed two additional motions for summary judgment. (ECF ## 86 and 115.) Plaintiff filed the latter motion in violation of an order staying all proceedings. (ECF #99.)

The Court now DENIES WITHOUT PREJUDICE all of Plaintiff’s pending motions for summary judgment (ECF## 9, 12, 55, 86, and 115). While the Court affords pro se plaintiffs certain latitude, the Court previously advised Plaintiff that this would be the consequence of her failure to file the required notice and failure to comply with Local Rule 7.1(b)(2).

If Plaintiff wishes to file the one summary judgment motion permitted as of right under the Local Rules, she may do so (upon the lifting of the stay, which shall occur shortly), and the Court will carefully consider her arguments.

In addition, upon the lifting of the stay, Defendants may re-file a motion to dismiss Plaintiff’s claims (which motion Defendants previously filed and withdrew

when it appeared that Plaintiff would accept the appointment of counsel offered by the Court), and the Court will carefully consider Defendant's arguments.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: September 10, 2018

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on September 10, 2018, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
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